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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,290	01/03/2002	Dennis Hancock		4234

7590 10/08/2003
DENNIS HANCOCK
5752 N. SILVERSTONE CIRCLE
MOUNTAIN GREEN, UT 84050

EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,290

Applicant(s)

HANCOCK ET AL.

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the third office action for application number 10/035,290, Multiple Use Base Holder System, filed on January 3, 2002.

In view of the Appeal Brief filed on July 17, 2003, PROSECUTION IS HEREBY REOPENED. A new non-final rejection follows.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this office action is non-final) or a reply under 37 CFR 1.113 (if this office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Election/Restrictions

Claim 8 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claim 4, neither the specification nor the drawings described or showed the system of claim 3 including, a pair of base units connected by connector means, an article holder connected to each of the base units, angular adjusting means of the article holders relative to its respective base unit, **in addition to** article securement means on each of the article holders including **strap means**.

Regarding claim 6, it is not understood how the article securement means can include a pair of bifurcated arms if in claim 4, the article securement means include strap means.

More specifically, it was never taught in the specification that article securement means including *strap means* could comprise a pair of base units interconnected by a connector. The pair of base units interconnected by a connector was described with respect to the bifurcated arms, not the strap means. Additionally, the arms 96 and 98 were elected in the parent application, not the current application. The current application includes the bifurcated arms 138 and 140. Nevertheless, even if the straps

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96 and 98 are considered "bifurcated arms" (referred to as "flexible gripper straps in the specification, arms 138 and 140 are referred to as "bifurcated arms" in the specification), there is no description in the specification that the straps/arms 96,98 can be included in a holding base system including "a pair of base units" and "connector means interconnecting the pair of base units," as required in claim 3.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said sprocket" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 3, line 2, it is not clear if the "pair of base units" is in addition to the previously mentioned "base unit" recited in claim 1, or includes the "base unit" of claim 1. If the "base unit" of claim 1 is to be included in the "pair of base units," then in claim 1, "a base unit" should read --at least one base unit--, and in claim 3, "a pair of base units" should read --said at least one base unit includes a pair of base units--.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,667,530 to Mettler et al.

Mettler et al. '530 discloses a system (figure 1) comprising a base unit (3, generally) including a platform (above 3), a means (below 3) for securing the platform, and an exteriorly splined shaft (1) in addition to an article holder (6, generally) including an interiorly splined socket (2) fitting over and cooperating with the exteriorly splined shaft and bifurcated arms (near 6, generally) extending from opposite sides of the socket; wherein the angular relationship of the article holder is adjusted relative to the base unit to which it is secured via the article holder being positioned on the base unit at the desired position of an operator.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 4,527,760 to Salacuse.

Regarding claims 1-2, Salacuse '760 discloses a system (figure 1) comprising a base unit (42, generally) including securing means (52) and an interiorly splined socket (2) fitting over and cooperating with an exteriorly splined shaft extending from a platform attached to an article holder, wherein the article holder has bifurcated arms (figure 4,

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below 16,17) each having at least one flexible vane (19,20, when article holder is closed) extending inwardly towards an opposite one of the bifurcated arms and towards the socket. However, Salacuse '760 fails to teach vice versa wherein the platform and exteriorly splined shaft are connected to the base unit and the interiorly splined socket is connected to the article holder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have reversed the parts so that the platform and exteriorly splined shaft are connected to the base unit and the interiorly splined socket is connected to the article holder since a reversal of parts is held to be an obvious expedient. See *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

With respect to claim 3, Salacuse '760 fails to specifically teach a pair of base units with article holders respectively secured thereto to be interconnected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a pair of base units (inherently being interconnected via the surface) since doing so would be seen as simply a duplication of parts, and would inherently increase the utility of the system. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Response to Arguments

Applicant's arguments filed July 17, 2003 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

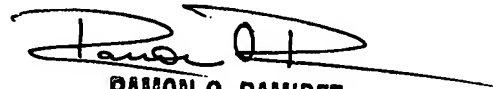
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
October 2, 2003



**RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 355**